

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

v.

: CIVIL ACTION
:
:
:
: NO.

PRETRIAL ORDER NO. 1

AND NOW, this day of , 2001, it is **ORDERED** that:

1. This case is governed by the Special Management Track Case Management Policy of Judge Shapiro, a copy of which is attached hereto.

2. All parties shall appear for an **initial pretrial conference** with Judge Norma L. Shapiro on , 2001, at **9:30 a.m.** in Courtroom 10-A, United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania.

- a. **Attendance.** Each party represented by counsel shall appear through its attorney who will have primary responsibility for its interests in this litigation.
- b. **Service List.** Copies of this Order are being mailed or faxed to all attorneys whose names appear on the docket. Counsel are requested to advise the Deputy Clerk of any additions or corrections and to forward a copy of this Order to any other attorneys or parties who should be notified, including those in any additional related cases that may be filed in, removed to, or transferred to this court before the conference.
- c. **Other Participants.** Persons who are not named as parties in this litigation but may later be joined as parties or are parties in related litigation pending in other federal or state courts are invited to attend in person or by counsel.

3. **Purposes and Agenda.** The conference will be held for the purposes specified in Fed.R.Civ.P. 16(a), 16(b), 16(c), and 16(f) and subject to sanctions prescribed in Rule 16(f). Counsel are required to submit **in writing** to the court, in Chambers, no later than ten (10) working days prior to the scheduled conference, a list of any items that should be on the agenda.

4. Preparations for the Conference.

- a. **Procedures for Complex Litigation.** Counsel shall familiarize themselves with the Manual for Complex Litigation, Third, and be prepared at the conference to suggest procedures that will facilitate the expeditious, economical, and just resolution of this litigation.
- b. **Initial Duties of Counsel.** Before the conference, counsel shall confer and seek consensus with respect to the items on the agenda, including a proposed discovery

plan under Rule 26(f) and a suggested schedule under Rule 16(b) for joinder of parties, amendment of pleadings, consideration of any class action allegations, and trial.

- c. **Preliminary Reports.** Counsel shall submit to the court, in Chambers, by _____, 2001, a brief written statement indicating their client's respective (or joint) preliminary understanding of the facts involved in the litigation and what they expect to be the critical factual and legal issues. These statements will not be binding, will not waive claims or defenses, and may not be offered in evidence against a party in later proceedings.
- d. **List of Affiliated Companies and Counsel.** To assist the court in identifying any problems of recusal or disqualification, each party shall submit to the court **in writing** by _____, 2001, a list of all companies affiliated with the parties and all counsel associated in the litigation.

5. **Interim Measures.** Until otherwise ordered by the court:

- a. **Discovery.** Pending the conference, all outstanding discovery proceedings are **STAYED** and no further discovery shall be initiated. This directive does not preclude mandatory discovery regarding the identification and location of relevant documents and witnesses under Fed.R.Civ.P. 26(a) Relief from this stay may be granted for good cause shown, such as, inter alia, the ill health of a proposed deponent.
- b. If any party presently expects to seek a protective order regarding discovery for reasons of confidentiality or otherwise and counsel have not reached consensus when they confer before the conference, see ¶ 4b infra, the party who will seek such an order shall submit and serve a proposed order with the preliminary report, see ¶ 4c infra.
- c. **Preservation of records.** Each party shall preserve all documents and other records containing information potentially relevant to the subject matter of this litigation. Subject to further order of the court, parties may continue routine erasures of computerized data pursuant to existing programs, but they shall (1) immediately notify opposing counsel about such programs; and (2) preserve any printouts of such data. Requests for relief from this Order will receive prompt attention from the court.

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: **SPECIAL MANAGEMENT TRACK**

SERVICE LIST

For Plaintiffs:

For Defendants: